

Minutes: Leesburg Planning Commission June 20, 2002

The Leesburg Planning Commission met on Thursday, June 20, 2002 at 7:00 p.m. in the Council Chambers at 25 West Market Street, Leesburg, VA. Staff members present for the meeting were Lee Phillips, Randy Hodgson, Nick Colonna, Delane Parks, John Johnston, Charlie Mumaw and Anne Marie Eaton.

CALL TO ORDER:

The meeting was called to order at 7:00 p.m.

ROLL CALL:

Present: Chairman Cliff Vaughan
Vice-Chairman Cable
Commissioner Minchew
Commissioner Werner
Commissioner Zawacki
Commissioner Kennedy
Councilmember Umstattd
Commissioner Schonberger

AGENDA

Commissioner Kennedy made a motion to adopt the agenda.

Motion: Kennedy
Second: Werner
Vote: 2-4-1

Commissioners Zawacki, Schonberger, Vaughan and Cable voted Nay and Commissioner Minchew abstained.

Vice-Chairman Cable made a motion to add Oaklawn at Stratford to the agenda.

Motion: Cable
Second: Schonberger
Carried: 7-0-1 with Minchew abstaining

Commissioner Kennedy stated that he does not believe that the Commission has enough information regarding the application to place it on the agenda.

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Mr. Phillips recommended moving the Hawkins application prior to the Oaklawn application. The Commission concurred.

ADOPTION OF MINUTES:

Commissioner Kennedy made a motion to approve the minutes of June 6, 2002 as submitted.

Motion: Kennedy
Second: Zawacki
Carried: 5-0-2 with Vaughan abstaining

REMARKS BY PETITIONERS

None

PUBLIC HEARINGS:

PUBLIC HEARING – COMPREHENSIVE 20-YEAR PARKS, RECREATION, OPEN SPACE, TRAILS, AND GREEN WAYS MASTER PLAN – Kaj Dentler, Director of Parks and Recreation

PUBLIC HEARING – BALLS BLUFF PARK SITE MASTER PLAN – Kaj Dentler, Director of Parks and Recreation

Mr. Dentler came forward to give a brief overview of the above plans.

Mr. Farrence also came forward to go over that plans in more detail with the Commission.

Mary Harper of 209 North King Street came forward to speak. Ms. Harper would like to Town to consider a dog park. Ms. Harper showed the Commission a short video regarding dog parks.

Kearney Lewis of 17240 Twin Maple Lane came forward to speak. Ms. Lewis stated that she has concerns with the current use of the property. She stated that she has had many problems with trespassers on her property because of the boat access near her house.

Kenneth Ryan of 353 Lake View Way came forward to speak. He spoke in support of the dog park proposal.

Jennifer Coombs of 42326 Balls Bluff Road came forward to speak. Ms. Coombs wanted to support a passive use for the park.

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There were no other speakers, the Chairman closed the public hearing.

SUBDIVISION AND LAND DEVELOPMENT:

HERITAGE HIGH SCHOOL CONCESSION STAND – NO ADVERSE IMPACT PLAN – Delane Parks, Senior Planner

Mr. Parks briefed the Commission on the above plan.

FIRST SUBMISSION BRIEFING – LOUDOUN SPORT AND HEALTH PRELIMINARY/FINAL DEVELOPMENT PLAN – John Johnston, Senior Planner

Mr. Johnston stated that staff is bringing this application forward to the Commission for review and comment.

ALLMAN WATER AND SANITARY SEWER EXTENSION – PRELIMINARY/FINAL DEVELOPMENT PLAN – Nick Colonna, Senior Planner

Mr. Colonna presented a brief staff report on this application.

Mr. Nasser Alikhani representative for the applicant came forward to speak and answer questions from the Commission.

Commissioner Kennedy made a motion to adopt the draft motion presented to the Commission dated June 10, 2002.

Motion: Kennedy
Second: Werner
Carried: 7-0

PIPESTEM LOT VARIATION REQUEST – 115 PRINCE STREET, NE – Nick Colonna, Senior Planner

Mr. Colonna gave a brief update regarding this application for the Commission.

Commissioner Schonberger made a motion to recommend denial of this application.

Motion: Schonberger
Second: Kennedy
Carried: 7-0

Vice-Chairman Cable stated that the Commission is bound by the criteria guidelines that are set forth for consideration of these types of actions.

Commissioner Schonberger stated that there are no unusual circumstances in this case. He stated that the second standard they are going use is that when strict adherence to the general regulations would result in substantial injustice or hardship and that is not the case with this application.

ZONING:

None

COMPREHENSIVE PLANNING:

HAWKINS PROPERTY REZONING – ZM-01-04 – Randy Hodgson, Chief of Comprehensive Planning

Mr. Hodgson gave a brief update to the Commission regarding this application.

Mr. Banzhauff, representative for the owner came forward to speak to the Commission regarding this application.

Commissioner Schonberger made a motion to approve the application based upon the report provided by staff and further based upon the representations made by Mr. Banzhauff, that we will revise the proffer to apply the noise attenuation standard to all of the units in the project.

Motion: Schonberger
Second: Minchew
Carried: 7-0

OAKLAWN AT STRATFORD (STOWERS FAMILY LIMITED PARTNERSHIP)ZM-159 PROFFER AMENDMENT/CONCEPT PLAN AMENDMENT & TOWN PLAN AMENDMENT TP-02-01 – Randy Hodgson, Chief of Comprehensive Planning

Mr. Hodgson explained to the Commission that this item was not scheduled to be heard at the meeting because there were still many outstanding issues to be addressed and staff was not ready to make a recommendation.

Chairman Vaughan stated that he had been asked by the applicant to hear this application at tonight's meeting.

Commissioner Schonberger stated that it is his understanding based upon the advice of the Town Attorney that if the Commission does not vote tonight, the applicant could

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move the application forward to Town Council and the Commission's failure to act is deemed an approval by the Commission.

Mr. Randy Minchew, representative for the applicant came forward to speak. Mr. Minchew requested that the Commission vote on this application to move it along to the Council.

Commissioner Zawacki stated that he discussed with the Town Attorney whether or not the Commission was required to vote on this application. He stated that the Planned Development section of the Zoning Ordinance requires the Commission to act on an application within 60 days of a public hearing. The public hearing was on May 2nd and there will not be another meeting prior to July 2nd. He stated that the Town Attorney responded by saying that he did not believe that the applied. It applied only to the initial submission and not to a revision.

Commissioner Kennedy stated that the correspondence from the Town Attorney to the Commission was not received until 4:57 p.m. and that some Commissioners did not get a chance to read it nor respond and he would request that last minute correspondence not take place in the future.

Commissioner Schonberger requested that the applicant withdraw his request for action. Mr. Minchew stated that due to the ending of terms on the Commission he would request that the Commission take action.

Vice Chairman Cable made a motion that to recommend denial of this application to the Town Council.

Motion: Cable
Second: Zawacki
Carried: 6-0-1 with
Commissioner Minchew
abstaining

Vice Chairman Cable stated that the Stowers family has had an approved zoning on this site for many years. She stated that the applicants are requesting to rearrange what has been proposed for the site and have come forward with commitments for transportation improvements and other site improvements that would be of a great benefit to the Town. She stated that she would like to send forward the good parts of the application to the Council along with the denial vote because it is premature to move forward.

COUNCIL REPRESENTATIVE'S REPORT:

Councilmember Umstattd stated that should Commissioners not be returning to the Commission after July 1, 2002, she would like to say that everyone in the Town

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appreciates your service and she has enjoyed working with everyone on the Commission.

STAFF AND COMMITTEE REPORTS:

Mr. Phillips distributed a copy of the FY03 Planning Commission budget.

OLD AND NEW BUSINESS:

Commissioner Werner made a motion that the Planning Commission forward a recommendation of approval to the Town Council for amendments to the Subdivision and Land Development regulations regarding the processing of preliminary plats and plans as outlined in the staff memo dated June 20, 2002.

Motion: Werner
Second: Kennedy
Carried: 7-0

Commissioner Werner asked when the election of officers for the Planning Commission would take place. Chairman Vaughan stated that it was his understanding that it would take place in January.

The Commission decided to move the presentation of the Zoning Ordinance to the Tuesday public hearing instead of the Monday worksession.

BOARDS AND COMMISSIONS HANDBOOK

Vice-Chairman Cable presented the Commission with her recommendation of changes to the handbook. Other Commissioners as well as Councilmember Umstattd expressed concerns over items contained in the handbook.

The Commission decided that the Chairman would send a letter to the Clerk requesting that the Commission be excluded from the handbook.

Commissioner Werner stated that when the Planning Commission has made a decision on an item and reasons were given, she would ask that the staff not only put those reasons in writing but also verbally tell the Council. Mr. Phillips stated that staff would do that in the future.

Commissioner Werner took this opportunity to say good-bye to those Commissioners whose appointments were up. The other Commissioners joined in with their well wishes.

ADJOURNMENT:

There being no further business the meeting adjourned at 10:45 p.m.

PREPARED BY:

APPROVED BY:

Jennifer Moore, Commission Clerk

Charlotte, Cable, Vice-Chairman